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PTO/SB/31 (04-05)

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)
GENITOPE-06499

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on August 19, 2005

Signature Mary Ellen Waite
Typed or printed name **Mary Ellen Waite**

In re Application of **Dan W. Denney, Jr.**

Application Number **09/925,664** Filed **08/09/2001**

For Methods And Compositions For Periooperative Genomic Profiling

Art Unit **1642** Examiner **C. Yaen**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☒ A check in the amount of the fee is enclosed. **08/24/2005 AKELECH1 00000003 09925664**

☐ Payment by credit card. Form PTO-2038 is attached. **01 FC:2401 250.00 OP**

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-1290. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.
☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

Mary Ann Brow
Signature
Mary Ann Brow
Typed or printed name

☒ attorney or agent of record. **42,363**
Registration number

608/218-6900
Telephone number

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

August 19, 2005
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Attorney Docket No. **GENITOPE-06499**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dan W. Denney
Serial No.: 09/925,664
Filed: 08/09/01
Entitled: Vaccine For Treatment Of Lymphoma And Leukemia

Group No: 1642
Examiner: Yaen, Christopher H.

TRANSMITTAL OF NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 19, 2005


By:


Mary Ellen Waite

Sir or Madam:

Applicants hereby submit a Notice of Appeal to the Board of Patent Appeals and Interferences in the above-identified patent application.

Dated: August 19, 2005


Mary Ann Brow
Registration No. 42,363

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900